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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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OFFICE OF RESEARCH

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WEEK IN REVIEW

HOUSE

The House of Representatives approved and ordered enrolled for ratification two bills that **RATIFY MOTOR VEHICLE PROPERTY TAX AMENDMENTS TO THE SOUTH CAROLINA CONSTITUTION**. **S.198** ratifies an amendment to the *S.C. Constitution*, approved by the voters in November 2000, which provides that the governing body of a county may, by ordinance and pursuant to a referendum, impose a sales and use tax in order to exempt all or a portion of the value of private passenger motor vehicles and other specified vehicles from property taxes levied in the county. **S.199** ratifies an amendment to the *S.C. Constitution*, approved by the voters in November 2000, which provides that the percentage of fair market value of passenger motor vehicles and pickup trucks by which the vehicle is assessed for purposes of property tax, must be incrementally reduced from 9.75% to 6% over a six year period.

The House gave second reading to **H.3303**, a bill ratifying the **LOTTERY AMENDMENT TO THE SOUTH CAROLINA CONSTITUTION** approved by voters at the general election of 2000. The amendment eliminates the State constitution's prohibition on lotteries, their advertising, and ticket sales, and provides that lotteries may be conducted only by the State. Under the amendment, the revenue derived from the lotteries must first be used to pay all operating expenses and prizes for the lotteries. The remaining lottery revenues must be credited to a separate fund in the state treasury, the 'Education Lottery Account', and the earnings on this account must be credited to it. Education Lottery Account proceeds may be used only for education purposes as the General Assembly provides by law.

The House amended **H.3103** and gave the bill second reading. **H.3103** provides for **LIMITS ON TREATMENT OF OUT-OF-STATE SEWAGE**. This bill revises laws that authorize governmental entities to operate or contract for sewage collection, disposal, and treatment so as to provide that a contract shall not contain a provision that more than ten percent of the sewage treated by the sewer facilities may be generated from outside the boundaries of the state. The House approved an amendment to the bill that provides that a private entity providing water and/or sewer services and facilities may not under any circumstances treat sewage generated from outside the boundaries of this State if this sewage accounts for more than ten percent of the sewage treated by the facility.

The House amended, approved, and sent to the Senate **H.3289** a bill pertaining to the authority to establish a **MINIMUM WAGE**. The legislation provides that no political subdivision of this State (including, but not limited to, a municipality, county, school district, special purpose district, or public service district) may establish, mandate, or otherwise require a minimum wage that exceeds the federal minimum wage (as established in the Fair Labor Standards Act of 1938, 29 U.S.C. 206). Also, a political subdivision of this State may not establish, mandate, or

otherwise require a minimum wage standard related to employee wages that are exempt under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.). The legislation also applies these restrictions on setting minimum wage standards to State laws. The legislation does not limit the authority of the State or its political subdivisions to establish wage standards in contracts to which they are a party.

The House amended, approved, and sent to the Senate **H.3057**, a bill pertaining to the **WILLFUL FAILURE TO APPEAR IN COURT TO ANSWER THE CHARGE OR INDICTMENT**. As amended, this bill provides that it is unlawful for a person who has been released on bail or recognizance and who is subject to a bench warrant which has been outstanding for ninety days or more to willfully fail to appear at a court proceeding as required. **H.3057** provides that if the person is released in connection with a fine of not more than ten thousand dollars, or imprisonment for not more than ten years, or both. If the person is released in connection with a misdemeanor charge, the penalty is a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both. In addition, the bond or security pledged for the release of the person is forfeited. The bill also provides that a person convicted of this new offense is not eligible for release on a personal recognizance bond if charged with committing any future offense.

The House amended, approved, and sent to the Senate **H.3224**, a bill that provides a **FORFEITURE PROCEDURE FOR CASH THAT IS CONFISCATED FROM A PERSON ARRESTED FOR A PROSTITUTION VIOLATION**. Under the bill, forfeiture of the cash is accomplished by petition of the circuit solicitor or his designee to either the pertinent Court of Common Pleas or magistrate's court, whichever is appropriate according to conditions provided in the legislation. The petition must be submitted to the court within a reasonable period following seizure and must contain the facts upon which the seizure was made. Additionally, the petition must identify all persons known to have interests in the property. A copy of the petition must be sent to each law enforcement agency that has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with an interest in the cash listed in the petition. Under this bill, the judge shall determine whether the cash is subject to forfeiture, and the judge must order the forfeiture confirmed. The bill requires the judge to decide all disputes among participating law enforcement agencies. A forfeiture may be effected by consent order approved by the court without filing or serving pleadings or notices provided that all persons with an interest in the cash, including participating law enforcement agencies entitled to notice, consent to the forfeiture. Disposition of the cash may be accomplished by consent of the petitioner and the agencies involved. As amended, the bill provides that all cash forfeited will be deposited into the general fund to be distributed as follows: (1) seventy-five percent to the law enforcement agency or agencies, and (2) twenty-five percent to the prosecuting agency.

The House sent **H.3259**, as amended, to the Senate. This bill provides regulations for **PUSH-POLLING**. Under the bill, a push-poll is defined as a paid telephone survey supporting or opposing any candidate for public office and conducted by or on behalf of a candidate or committee that (1) asks questions or gives statements

relating to candidates for public office that state, imply, or convey information about another candidate's character, status, or political stance or record, and (2) is conducted in a manner that is likely to be construed by the person receiving the call to be a survey or poll which uses an established method of scientific sampling and gather statistical data for entities or organizations that are acting independently of any political party, candidate, or interest group. The bill requires the person conducting the push poll at the beginning of the call to disclose the name of the candidate or committee that paid for, sponsored, donated, or authorized the call. If the call is an independent expenditure, the disclosure must also state that no candidate has approved the call. The bill prohibits a person or organization from stating or falsely implying fictitious names or telephone numbers when providing the required disclosures. The bill requires the entity in charge of conducting a push-poll to file (1) the name, telephone number, and address of the candidate or committee who paid for, sponsored, donated, or authorized the poll, and (2) the text of the poll with the State Ethics Commission and also with the candidates or campaigns involved twenty-four hours before the poll is initiated. If a committee or entity has paid for, sponsored, donated, or authorized the poll, it must also file the names of the members of its governing board, board of directors, or executive committee. A person who violates the provisions of this bill is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or be imprisoned not more than one year, or both.

The House adopted concurrent resolution **S.286**, pertaining to **STEVEDORING SERVICES OF AMERICA**. This concurrent resolution states that the members of the General Assembly (1) recognize the considerations involved from an interstate commerce and other constitutional and statutory view points in locating and developing major development projects in this State which have multi-state and multi-national effects, (2) express the willingness of the State of South Carolina to be a partner in protecting, complying with, or working through each of these constitutional or statutory considerations with a potential investor, and (3) commend and thank Stevedoring Services of America for their willingness to invest substantial sums of money in such projects in underdeveloped areas of our State.

The House sent **H.3159**, as amended, to the Senate. This bill revises the **CONDITIONS DETERMINING WHEN CERTAIN CRIMINAL OFFENDERS MAY VOTE**. Currently, a person is disqualified from being registered or voting, if he/she is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned. Under the bill, as amended, a person is disqualified from being registered or voting if he/she: (1) is convicted of a violent crime or offenses against the election laws, unless the disqualification has been removed by pardon, or (2) is convicted of any other felony unless the disqualification has been removed by pardon or fifteen years or more have passed after the completion date of service of the sentence, including probation and parole time.

The House approved **S.220** and ordered the joint resolution enrolled for ratification. This joint resolution provides that notwithstanding the appeals procedure provided

in the *South Carolina Setoff Debt Collection Act*, the appeal procedure for actions of the IRS in connection with **DEBT SETOFFS** is governed by Title 26 of the *United States Code* (the *Internal Revenue Code*). The bill applies this provision to the 2001 filing period for individual income taxes. The *South Carolina Setoff Debt Collection Act* allows state agencies, cities, and counties to collect delinquent debts that are owed them by withholding any refunds due a taxpayer to offset the debt. According to the Board of Economic Advisors, the South Carolina law requires notification to the taxpayer in the year before the State withholds the refund. By removing this requirement, the IRS will be permitted to notify the Department of Revenue (DOR) more quickly of any taxpayer delinquencies and allow the DOR to offset the delinquent debts more expeditiously.

The House approved and sent to the Senate **H.3085**, which provides for **DUCKS UNLIMITED SPECIAL LICENSE PLATES**.

The House approved and sent to the Senate **H.3098**, which provides that **PURPLE HEART RECIPIENTS** may be issued no more than *two* permanent special license plates. Currently, Purple Heart recipients may be issued only one such plate.

SENATE

H.3109 was ordered enrolled for ratification. This bill makes a technical correction to provisions that authorize a dental hygienist or a dental assistant who works under the direct supervision of a dentist to monitor a patient who receives **NITROUS OXIDE**. This bill revises the terminology that describes the use of nitrous oxide by eliminating the term "anesthesia," and substituting the term, "inhalation conscious sedation (dental analgesia)."

H.3559, a bill relating to seasons, take and size limits, and times for **TAKING SHAD**, herring, and sturgeon, was also enrolled for ratification. The bill changes the times for taking shad during shad season in a portion of the Winyah Bay Drainage System from 7:00 a.m. Tuesday to Monday noon and in a portion of the Santee River below U.S. Highway 41 Bridge seaward from Tuesday noon to Saturday noon to Monday noon to Saturday noon.

S.130, a bill relating to the **OFFICE OF INDIGENT DEFENSE**, was read for the third time and ordered sent to the House. This bill makes retroactive payments of outstanding vouchers in the Office of Indigent Defense's Appellate Conflict Fund, occurring from July 1, 1993, through July 31, 2000. The bill provides that total reimbursement of all vouchers shall not exceed thirty-five thousand dollars, and all requests for compensation must be submitted no later than ninety days after the effective date of this provision.

The Senate also approved and sent to the House **S.289**, a bill relating to **THE NOMINATING PROCESS OF QUALIFIED JUDICIAL CANDIDATES TO THE GENERAL ASSEMBLY**. Current law requires a three-week period between the date of the

Judicial Merit Selection Commission's nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships. This bill changes the three-week waiting period to a two-week waiting period.

JOINT ASSEMBLY

On Wednesday, February 21, The Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, addressed the General Assembly in Joint Session on the state of the Judiciary. Chief Justice Toal reported that there is a unified court system in principle, but we do not have the uniform tools to manage the system. Furthermore, automation of case records and processes has been developed individually, county-by-county, with no state standards. Chief Justice Toal told the General Assembly that she envisioned within the next five years the design and specification of a **STANDARDIZED CASE MANAGEMENT SYSTEM** that will be collaboratively developed by the Clerks of Court and funded by the South Carolina Judicial Department. For fiscal year 2001-2002, Chief Justice Toal requested that the General Assembly make an initial investment of \$4.6 million in non recurring funds to begin the task; two thirds of this money will be spent directly in the counties to begin the process of connectivity and to pilot the case management system. Benefits of this uniform technology would include: (1) access to information seven days a week, twenty-four hours a day; (2) increased accuracy, completeness, and timeliness since all data would be captured only once, at the source of its origin; (3) more efficient utilization of all judicial resources, including judges, staff and facilities; (4) increased security and integrity of case files by reduced use of paperwork and such variables as post-it notes and bad handwriting; and (5) enhanced services and access to information for other state agencies and the public in general through such efficient means as electronic filings, self-service forms and procedures, online payment of fines, fees and restitution.

Additionally, Chief Justice Toal briefly discussed the following initiatives:

- **GENERAL SESSIONS DOCKET.** Chief Justice Toal has created a task force to develop recommendations for the reorganization of the General Sessions Court in South Carolina.
- **ADMINISTRATIVE LAW JUDGES AND REFORM.** Chief Justice Toal has asked the Judicial Council to undertake a comprehensive study of the Administrative Law Judge System.
- **RULE 608 AND INDIGENT DEFENSE REFORM.** Constitutional decisions of the United States Supreme Court mandate that indigent criminal defendants and indigent parents charged with child abuse or facing termination of parental rights be provided with representation. The great bulk of this representation is provided by South Carolina lawyers who are appointed without fee by trial judges. The Judicial Department has attempted in Appellate Court Rule 608 to devise a fair way of spreading this

responsibility; however, this rule is still being refined. The General Assembly has created the Office of Indigent Defense through which some state funds are made available for death penalty cases and other serious crimes. These funds are needed for public defenders and some private attorneys. Chief Justice Toal reported that these funds are inadequate.

- **COURT FACILITIES.** According to Chief Justice Toal, a major problem has arisen in providing courtroom security as an increasingly large number of emotionally distressed people come to court and pose threats to each other and to others in the court.
- **DRUG COURTS.** Therapeutic drug courts are progressive diversionary alternatives to straight jail time for defendants whose primary problems stem from heavy dependence on alcohol and drugs. Chief Justice Toal encouraged the General Assembly to provide funding for these courts.
- **MAGISTRATES SYSTEM.** Chief Justice Toal stated that she believed the requirements for certification, testing, and education of magistrates should be increased before "we go the next step in increasing jurisdiction of the system."
- **CHIEF JUSTICE'S COMMISSION ON THE PROFESSION.** A special commission headed by the South Carolina Bar President and composed of members of the bar, judges, and members of the public has been organized to address issues of professionalism.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

JUDICIARY

The full Judiciary Committee did not meet this week.

However, on February 13, the Judiciary Committee gave a favorable report with amendment to **H.3100**, a bill that relates to **MOTOR VEHICLE REPAIRS**; please note the Judiciary Committee's amendment has not been available until now. The introduced version of this bill provides that it is unlawful for a person who repairs a motor vehicle whose inflatable restraint system has been damaged or deployed to fail to repair or replace the system so that it is fully operational. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, or imprisoned not more than one year.

The Judiciary Committee's proposed amendment to **H.3100** is a strike-all amendment; therefore, the amendment would become the text of the bill. Under the Judiciary Committee's proposed amendment, a person who knowingly and wilfully replaces a motor vehicle's inflatable restraint system with an object which is not designed in accordance with federal safety regulations is guilty of a:

- (1) misdemeanor and must be imprisoned not more than three years, or fined not more than five thousand dollars, or both; or
- (2) felony if a person's serious bodily injury is attributable to the object, and must be imprisoned for ten years, or fined not more than ten thousand dollars, or both.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 20, 2001 and gave a report of favorable with amendment to **H.3379**. This joint resolution creates and provides for the membership of the **NEWBORN EYE SCREENING TASK FORCE** to study the screening of ocular diseases and abnormalities in newborn children. The study should include review of currently required ocular screenings of newborns, if any, identification of the most prevalent ocular diseases and abnormalities in newborns, and the effectiveness costs, and funding of screening for these diseases and abnormalities. The task force shall submit its report and recommendations to the Governor and General Assembly before January 1, 2002 at which time the task force is abolished.

WAYS AND MEANS

The full Ways and Means Committee met in lengthy sessions on Tuesday and Wednesday to receive recommendations from budget subcommittees and to complete work on the full Committee's 2001-2002 budget plan. Faced with the necessity of reducing last year's budget by more than \$500 million, the Committee opted to examine individual agency budgets rather than cut these budgets "across-the-board." House floor debate is scheduled to begin on Monday, March 12.

HIGHLIGHTS OF THE COMMITTEE'S BUDGET RECOMMENDATIONS FOR 2001-2002 ARE AS FOLLOWS:

- **The Committee did not recommend any permanent law (Part II) provisos;**
- **EDUCATION**
 - The Committee recommended appropriating an additional \$45.3 million to fund the 3.04% inflation increase in the Base Student Cost;
 - The Committee recommended appropriating an additional \$29.3 million to maintain teachers' salaries at \$325 above the Southeastern average. This represents a 3.8% increase to the State Minimum Salary Schedule for public school teachers.
 - The Committee recommended staying with the current 190 day school year and did not add additional teacher workdays; also, the Committee did not include supply funds or National Board Certification incentive funds (see below) in the computation of the Southeastern average salary;
 - The Committee recommended increasing funding for school supplies to \$200, which is tax free. In addition to classroom teachers, this funding will also be provided to media specialists, guidance counselors, and special school classroom teachers;
 - The Committee recommended appropriating \$10.8 million to continue the \$7,500 per year National Board Certification salary supplement to teachers, which is awarded for the term of the national certificate;
 - The Committee recommended increasing bus drivers' salaries by 2%;
 - The Committee recommended eliminating health and dental benefits for part-time teachers, which is currently funded at \$2.4 million;
 - For higher education institutions, the Committee recommended base reductions ranging from 2% (MUSC) to 19% (Lander University);
 - For LIFE Scholarships, the Committee recommended full funding for 2001-02, using non-recurring funds;

▪ **TAXATION**

- The phase-out of sales tax on groceries is continued with the Committee's recommendation to fund reduction of the tax by a second penny beginning January 2002; \$24.6 million to cover this additional penny has already been deducted from the Board of Economic Advisors' FY2001-02 revenue estimate, bringing the total adjustment to the revenue estimate for the two cent reduction to \$77.1 million.
- The Committee recommended funding a second "Sales Tax Holiday" (exempts from sales tax items including, but not limited to, clothing and clothing accessories, school supplies, computers and computer equipment) beginning the first Friday in February and ending at midnight the following Sunday;

▪ **HEALTH CARE**

- In a separate supplemental joint resolution, the Committee recommended transferring \$20.5 million from "Aid to Subdivisions" funds to the Silver Card senior citizens' prescription drug assistance program (the Program); also, the Committee transferred to the General Fund \$10 million in FY2000-01 lapsed funds from the Program;

▪ **STATE EMPLOYEES**

- **Pay Plan:** The Committee recommended a 1.5% cost-of-living increase effective July 1, 2001, and an average 1% merit increase effective on the employee's performance review date;
- **Retirement Plan:** The Committee amended the Teacher and Employee Retention Incentive (TERI) Program so as to provide that participation in the program requires mutual employee and employer consent and so as to provide that program participants first participating in the program after June 30, 2001, are not paid for any annual leave when they terminate from the program;
- **Health Insurance:** The Committee recommended funding the second six months of the FY2000-01 rate increase, replacing non-recurring funds with recurring funds, and recommended funding the first six months of the 12.62% FY2001-02 rate increase.

The Committee also considered and gave a favorable recommendation to **S.220**, a joint resolution which provides that notwithstanding the appeals procedure provided in the *South Carolina Setoff Debt Collection Act*, the appeal procedure for actions of the IRS in connection with **DEBT SETOFFS** is governed by Title 26 of the *United States Code* (the *Internal Revenue Code*). The bill applies this provision to the 2001 filing period for individual income taxes. The *South Carolina Setoff Debt Collection Act* allows state agencies, cities, and counties to collect delinquent debts that are owed them by withholding any refunds due a taxpayer to offset the debt. According to the Board of Economic Advisors, the South Carolina law requires notification to the taxpayer in the year before the State withholds the refund. By removing this requirement, the IRS will be permitted to notify the Department of Revenue (DOR) more quickly of any taxpayer delinquencies and allow the DOR to offset the delinquent debts more expeditiously.

It is anticipated that Ways and Means Committee members and staff will provide budget briefings to House standing committees before floor debate begins on March 12.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3599 PEELER TRAPS Rep. Rodgers

This bill revises the definition of a peeler trap in the South Carolina Marine Resources Act of 2000 so as to provide that such a trap may be baited with one single piece of fish having no dimension greater than three inches.

H.3605 SPORTSMEN'S LICENSING REFORM COMMITTEE Rep. Campsen

This joint resolution creates and provides for the membership of a Sportsmen's Licensing Reform Committee charged with the duty and responsibility of studying the hunting and fishing licensure laws and procedures of the State, and of other states. The committee shall report to the General Assembly by November 1, 2001, with recommended modifications to the laws, methods, and procedures governing the issuance of noncommercial hunting and fishing licenses, permits, tags, and stamps. Among other specified topics of study, the committee is charged with examining the feasibility of the sale of hunting and fishing licenses via the Internet and at electronic points of sale in retail establishments.

EDUCATION AND PUBLIC WORKS

H.3600 EDUCATION OVERSIGHT COMMITTEE ACADEMIC PERFORMANCE RATINGS AND PERFORMANCE INDICATORS Rep. Townsend

Current law provides that in setting the criteria for the academic performance ratings and the performance indicators, the Education Oversight Committee shall report the performance by subgroups of students in the school and schools similar in student characteristics, and consideration of these factors must be given only in the improvement rating. This bill provides that the committee shall consider these criteria in all ratings.

H.3602 EDUCATION OVERSIGHT COMMITTEE MEMBERSHIP Rep. Townsend

This bill adds the State Superintendent of Education or the superintendent's designee as a non-voting, *ex officio* member of the Education Oversight Committee.

H.3603 STATEWIDE ASSESSMENT PROGRAM UNDER THE EDUCATION ACCOUNTABILITY ACT Rep. Townsend

This bill deletes the requirement that a standards based assessment will be developed for grades one and two for use by schools and districts as deemed appropriate by district officials.

H.3614 SPECIAL PLATE FOR DISABLED VETERANS Rep. Miller

This bill provides for inclusion of the words "Disabled Veteran" on the special license plate currently available for issuance to disabled veterans. The bill also substitutes the word "plate" for "tag" and provides that the special number (currently provided for) is to be imprinted on the plate.

H.3622 HIGHWAY WORK ZONES Rep. Townsend

This bill amends current provisions which prohibit speeding in a highway work zone, which impose penalties for a violation of this provision, and which relate to signs designating a highway work zone, so as to apply these provisions to work zones *where highway workers are present*.

H.3623 PAGING DEVICES IN SCHOOLS Rep. Allison

This bill provides that paging devices which are confiscated from public school students and forfeited to the school district under current law shall be returned to the owner in the manner and under the time lines governed by school district policy.

JUDICIARY

S.289 THE NOMINATING PROCESS OF QUALIFIED JUDICIAL CANDIDATES TO THE GENERAL ASSEMBLY Sen. McConnell

Current law requires a three-week waiting period between the date of the Judicial Merit Selection Commission's nominations to the General Assembly and the date

the General Assembly conducts the election for these judgeships. This bill changes the three-week waiting period to a two-week waiting period.

H.3604 "GUARDIAN AD LITEM PARENTAL CHOICE ACT" Rep. Campsen

In a family court proceeding in which custody or visitation are in issue, under this bill the parties to the action may recommend an agreed-upon guardian ad litem. The court must appoint the agreed-upon guardian ad litem, unless there are findings that the individual is not fit or competent to serve. The guardian ad litem may introduce, examine, and cross-examine witnesses in the proceeding through counsel to a party to the action and counsel may participate in the proceedings to any degree necessary to represent the child adequately. At anytime during the proceeding a guardian ad litem also may retain legal counsel or the court may appoint legal counsel if it is necessary to protect the best interest of the child. Also, the bill requires the guardian ad litem to disclose the terms of compensation for services to be rendered and for legal counsel if retained or appointed by the court.

H.3611 PHYSICAL ASSAULT OF A SPORTS OFFICIAL Rep. Lucas

This bill creates the offense of physical assault of a sports official. Under this bill, a person is guilty of a misdemeanor if: (1) he/she physically assaults a sports official at any level of competition; (2) the sports official was an active participant in the athletic contest; and (3) the assault occurred within the confines or immediate vicinity of the athletic facility where the athletic contest was held. Upon conviction, the person must be punished by a fine of ten thousand dollars or imprisonment not to exceed three years, or both.

H.3627 CONFIDENTIALITY OF ADOPTION HEARINGS AND RECORDS

Rep. Whipper

Under current law, a public adoption agency must furnish to an adoptee the identity of the adoptee's biological parents and siblings and to the biological parents and siblings the identity of the adoptee under the following conditions: (1) the adoptee must be twenty-one years of age or older; (2) the applicants must apply in writing; (3) the adoption agency must have on file affidavits of the adoptee, the biological parents, and siblings authorizing disclosure. Current law also provides that no disclosure may be made within thirty days after compliance with the conditions; however, the director of the adoption agency may waive the thirty-day period in extreme circumstances. This bill deletes the requirement that the adoption agency must have on file affidavits of the adoptee, the biological parents, and siblings authorizing disclosure; also, the bill deletes the thirty-day waiting period. Under this bill, an adoption agency must disclose upon written request when an adoptee is twenty-one years of age or older.

LABOR, COMMERCE, AND INDUSTRY

H.3598 VEHICLE GLASS REPAIR BUSINESS PRACTICES Rep. Cato

This bill provides that it is an unfair trade practice and unlawful for a person who is engaged in the vehicle glass repair business to: (1) offer or make a payment to a

third person for the third person's referral of an insurance claimant to the vehicle glass repair business for vehicle glass repairs; or (2) waive, rebate, give, or pay all or part of an insurance claimant's casualty or property insurance deductible as consideration for selecting the vehicle glass repair business.

H.3601 WRITTEN PROPERTY CONDITION DISCLOSURE STATEMENTS ON RESIDENTIAL PROPERTIES Rep. Huggins

This bill provides that the owner of certain residential real property shall furnish to a purchaser a written residential property condition disclosure statement upon the sale or other specified transfer of the property. The disclosure statement is required for specified transfers of residential real property consisting of at least one but not more than four dwelling units. Exemptions from this requirement are provided. The legislation imposes duties on owners and real estate licensees in regard to the requirements. The bill authorizes the Real Estate Commission to perform specific duties and functions in regard to these disclosure statements.

H.3610 EFFECTIVE DATES FOR BUILDING CODES Rep. Robinson

This joint resolution provides that, notwithstanding any provisions to the contrary, the following building codes adopted by the South Carolina Building Codes Council become effective July 1, 2003: (1) the 2000 edition of the International Building, Residential, Plumbing, Mechanical, Fuel Gas, and Fire Codes adopted by the Building Codes Council May 24, 2000; (2) the amendments to the International Building Code and the International Residential Code approved by the South Carolina Building Code Council January 26, 2001.

H.3613 ASSOCIATION FOR MUTUAL RECEIPT OF NOTIFICATION OF EXCAVATION AND DEMOLITION OPERATIONS Rep. Trotter

This bill revises provisions relating to the formation of an association providing for mutual receipt of notification of excavation or demolition operations for operators having utilities in this state. The bill provides that the association shall file with the Chairmen of the Senate and House of Representatives Labor, Commerce and Industry Committees not later than April fifteenth of each year, a report covering the activities and operations of the association for the preceding calendar year including, but not limited to, information reflecting: average speed of answer; abandoned call rate; transmit times; total number of locate requests; total number of transmissions; and a disaster recovery plan.

H.3618 LICENSURE AND REGULATION OF CONTRACTORS Rep. Cato

This bill makes various revisions relating to the licensure and regulation of building contractors.

H.3626 DISCLOSURES REQUIRED ON CONSUMER CREDIT TRANSACTIONS INVOLVING RESIDENTIAL MANUFACTURED HOMES Rep. Law

This bill provides that certain disclosures must be made by a lender in connection with a credit sale for the purchase of a residential manufactured home and for a loan secured by a security interest in a residential manufactured home. The bill revises various definitions so as to provide that a consumer credit sale includes a sale of land with a sale of a residential manufactured home and a consumer loan

includes a loan secured by an interest in land with a security interest in a residential manufactured home. The bill revises provisions relating to unconscionable conduct, so as to provide that causing false statements to be made in connection with a consumer transaction is unconscionable conduct. The bill revises provisions relating to civil liability for violation of disclosure provisions, so as to provide that the disclosure requirements in connection with a consumer sale or loan involving a residential manufactured home are subject to penalties for failure to disclose.

H.3628 COUNTYWIDE TOLL FREE CALLING Rep. Kirsh

This bill provides that the Public Service Commission shall require countywide toll free calling to be provided by all telephone utilities operating within a county by July 1, 2001. The bill provides that the Commission shall not grant a telephone utility a rate increase to offset the cost, if any, of complying with the provisions of the legislation.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

No bills were referred to this committee this week.

WAYS AND MEANS

S.198 RATIFICATION OF PROPERTY TAX AMENDMENT Sen. Leatherman

This bill ratifies an amendment to the *S.C. Constitution*, approved by the voters in November 2000, which provides that the governing body of a county may, by ordinance and pursuant to a referendum, impose a sales and use tax in order to exempt all or a portion of the value of certain specified vehicles from property taxes levied in the county.

S.199 RATIFICATION OF PROPERTY TAX AMENDMENT Sen. Leatherman

This bill ratifies an amendment to the *S.C. Constitution*, approved by the voters in November 2000, which provides that the percentage of fair market value of passenger motor vehicles and pickup trucks by which the vehicle is assessed for purposes of property tax, must be incrementally reduced from 9.75% to 6% over a six year period.

S.130 OFFICE OF INDIGENT DEFENSE Sen. Holland

This joint resolution makes retroactive payments of outstanding vouchers in the Office of Indigent Defense's Appellate Conflict Fund, occurring from July 1, 1993, through July 31, 2000. The resolution provides that total reimbursement of all vouchers shall not exceed thirty-five thousand dollars, and all requests for compensation must be submitted no later than ninety days after the effective date of this provision.

H.3606 MINIMUM TEACHER SALARY SCHEDULE Rep. Jennings

This bill increases incrementally the minimum required teacher salary schedule, beginning in Fiscal Year 2001-02, so that by Fiscal Year 2006-07, the minimum required teacher salary schedule will be at the national average. The bill provides that in projecting the southeastern or national average teachers' salaries, compensation associated with expanding the contract year from 190 days to 195 days, must be included in the South Carolina base teacher salary at a rate of one additional day per year beginning with school year 2001-02. The bill provides that compensation for teaching summer school or for incidental awards such as reimbursement for equipment or school supplies is not included.

H.3607 APPROPRIATIONS FROM AID TO SUBDIVISIONS Rep. Quinn

This joint resolution provides that for Fiscal Year 2001-02 only, \$25.8 million must be appropriated from "Aid to Subdivisions" to fund the Silver Card senior prescription drug assistance program (\$20 million); Community Long Term Care (\$1.6 million); Palmetto Senior Care (\$1.7 million); and Restoration of Prescription AWP-13% to 10% (\$2.5 million).

H.3621 STATE PORTS AUTHORITY MARKETING EFFORTS Rep. Merrill

This bill prohibits the State Ports Authority from using public funds for lobbying, public relations, advertising, or other marketing efforts in connection with its pursuit of a facility or an expansion of its facilities on Daniel Island.

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